

WEATHER—FAIR, COLD.

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WEATHER—FAIR, COLD.

PRICE ONE CENT.

NEW YORK, WEDNESDAY, FEBRUARY 20, 1901.

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# GIRL DYING ALONE IN STRANGE FLAT.

## Police Mystified by Summons at Last Broke Door and Found Handsome Young Woman Breathing Her Last.

The Coroner's office at 135 o'clock this afternoon received a telephone message from Dr. Miller, who said that Mary Ryan, twenty-three years old, would be found dead at No. 221 West Forty-third street.

Dr. Miller gave his address as No. 230 East Seventy-eighth street.

Upon the receipt of this message the Coroner's office communicated with the police of the West Thirty-seventh street station.

An investigation was at once made, but the police, when they went to the house at No. 221 West Forty-third street, were informed that there had been some mistake and that no one had died there.

The Coroner's office was notified and further instructions asked.

**Police Made a Search.**

The Coroner's office instructed the police of the East Eighty-eighth street station to go to the house of Dr. Miller and see if the physician had not made a mistake in the address.

Dr. Miller was not at home.

The police of the East Eighty-eighth street station concluded to pay a visit to the Forty-third street house themselves. They gained an entrance and began a search. Breaking into the apartments of a woman named Best, they found Mary Ryan, a beautiful young woman, lying on a bed. She was dying.

There was no one in the apartment to attend to her.

The woman Best was a midwife. A surgical operation had been performed upon Mary Ryan.

It was not successful and the girl was dying alone and unattended.

Some neighbors, hearing the young woman's moans of agony, called in Dr. Miller and he at once notified the Coroner's office.

Chief Clerk Reynolds, of the Coroner's office, says that a search has been made for Midwife Best, but she has left town.

# SAY KENNEDY IS VICTIM OF THE REAL MURDERER

## 'Another Hand Slew Dolly Reynolds, and with Appalling Cunning Threw Crime on Dentist.' His Lawyer Denies.

There was a sensation in court this afternoon when Robert H. Moore, appearing up for the defense in the trial of Dr. Samuel J. Kennedy for the murder of Dolly Reynolds, showed, by a striking array of facts, that Kennedy, besides lacking motive, was not the man who slew the young woman and that the crime was the work of another, whose hand mysteriously appeared at other points in the case.

His address was completed shortly before 4 o'clock, when court adjourned. The charge will be made to the jury to-morrow afternoon.

An incident of the trial to-day was the announcement of Justice Furman that he had received two more anonymous letters bearing on the case. A juror, who had evidently been the recipient of one, consulted with the Justice, who again instructed the twelve to pay no attention to such communications.

The largest crowd of the trial gathered at the doors of the courtroom after recess. So clamorous were the people that the reserves in the building had to be called on and half a dozen officers, with batons, landed at their heads, were brought to the scene.

Even these stalwart bluecoats were fattered against the wall by the crush. It was almost impossible for those interested in the case to get into the court. Only a favored few and those having business in the court were admitted. Not since the trial of the McInnes trial has such a crowd gathered about the doors of a courtroom.

**Summing Up Begins.**

Lawyer Moore was cool, calm and argumentative. He spoke clearly, used no extravagant language, but presented facts forcibly and plainly.

Dr. Kennedy moved back from the table and sat at an angle so that he could view the effect of the speech on the jury.

Mr. Moore opened by commenting upon the fact that the defense had not tried to confuse any of the witnesses, but had simply tried to have the facts placed before the jury.

"We know that if the truth could be presented our client would go forth free," he said.

Mr. Moore then named six circumstances on which the prosecution based its case. He then took them up one by one, beginning with the lead pipe bludgeon.

"I think we have conclusively demonstrated that this bar and this piece of lead pipe, alleged to have been found by Carey and Smith, form no part or relation to this bludgeon.

"But suppose that this piece of lead and this bar of iron were found in the cellar and were part of the bludgeon. Then you would have reached a conclusion that would permit condemn the

# KENNEDY CASE PUT IN A NUTSHELL

## Points Upon Which the Dentist's Freedom or Conviction Depend.

**POINTS AGAINST KENNEDY.**

DOLLY REYNOLDS was found dead in the Grand Hotel Aug. 16, 1898, at 39 A. M.

WITNESS LEGGE, night captain of waiters at the Grand Hotel, saw Dr. Kennedy with Dolly Reynolds in the hotel at 5:30 P. M. on Aug. 15. LEGGE AND MURKIE, the latter being waiter at the Grand Hotel again, saw Kennedy at 7 P. M. in company with Dolly Reynolds.

ELEVATOR BOY LENAHAAN carried Dolly Reynolds and Dr. Kennedy up to the fourth floor of the hotel at 12:30 A. M. He positively identified Kennedy as the man.

BELLBOY DAVIS served room 84 with champagne at 1 A. M. He identified Kennedy because the latter asked for a comb.

WITNESS LENAHAAN saw Kennedy pass out of the hotel alone at 2:30 A. M.

WITNESS GREGORY, night clerk, also identified Kennedy as the man who left the hotel at 2:30 A. M.

WITNESS CHECK, found on the body of Dolly Reynolds, made out to Emma Reynolds by Dr. Kennedy. Check drawn on Garfield National Bank, where Kennedy had an account.

TORN PIECES OF PAPER found in room 84, which when pasted together were found to have written on them the words, "E. Maxwell & wife, Grand Hotel." This was on a "milk of magnesia" pad.

"MILK OF MAGNESIA" PAD, identical with the one found in room 84, Grand Hotel, found by detectives in Kennedy's office.

LEAD BLUDGEON which killed Dolly Reynolds found in room 84. MARK ON DR. KENNEDY'S UNDERCLOTHES, said to have been made by the concealed bludgeon.

PIECE OF LEAD PIPE and iron bar found in Dr. Kennedy's cellar. CONFLICTING STORIES Dr. Kennedy told to the police.

COULD NOT TELL of his movements on the night of the murder. SAID HE WAS IN PROCTOR'S THEATRE, but could not tell about the performance he saw.

SAID HE TOOK 12:30 BOAT for St. George, Staten Island, and later said he took a later boat for Clinton, and worked home.

**POINTS FOR KENNEDY.**

WITNESS FLETCHER testified that he met Dr. Kennedy at 7 o'clock, the time he was supposed to be in the Grand Hotel.

WITNESS JULIA SLAYTON testified on former trial testimony read at this trial that she saw Kennedy in the ferry-house of the Staten Island Rapid Transit Company and later on the 12:30 boat on the morning of Aug. 16.

WITNESS WAGNER, a hackman, saw Kennedy come off the 12:30 boat.

WITNESS FINLEY testified he saw Kennedy come off the 12:30 boat, which lands at St. George at 12:40.

WITNESS BURNS testified he met Kennedy at junction of Clave and Richmond roads at 2 o'clock.

WITNESS MISS HANRATTY says she met Dr. Kennedy at the gates of the Moravian Cemetery, half a mile from New Dorp, at about 2:45 o'clock.

WITNESS MARTIN SHARKEY corroborated Miss Hanratty.

WITNESS MARGARET KENNEDY, mother of the prisoner, testified her son was in bed at 2:45, and that she put bedclothes on him.

DR. LEDEWITZ, Health Board expert, testified that iron bar and piece of lead found in Kennedy's cellar were not the same as the bludgeon.

WITNESS WEEKS, cashier of Garfield National Bank, testified that endorsement on the back of \$12,000 check was not Kennedy's.

CONTRADICTION IDENTIFICATION by Bellboy Davis, who swore Dr. Kennedy had a dark mustache.

CONTRADICTIONS OF LENAHAAN AND GREGORY, the latter denying the statement of Lenaahan that Kennedy had his face behind his hands leaving the hotel.

WITNESS CROKE, waiter in Grand Hotel, testified Kennedy was not the man with Dolly Reynolds.

WITNESS SEGUIN, hackman, testified he took Dolly Reynolds and a man from Grand Hotel to Martin's restaurant, and that Kennedy was not the man.

**WEATHER FORECAST.**

Forecast for the thirty-six hours ending at 8 P. M. Thursday for New York and vicinity: Fair and continued cold tonight and Thursday; brisk north-west winds.

**Irish Refuse to Condone.**

DUBLIN, Feb. 20.—The London County Council has voted today a motion to condemn an expression of condolence to King Edward on the death of Queen Victoria.

**BLIZZARD IN PENNSYLVANIA.**

Traffic Badly Hampered and Country Districts Tied Up.

CORRY, Pa., Feb. 20.—A blizzard that is quite as bad as that of 1893 is raging in northeastern Pennsylvania and all traffic is badly hampered.

Trains are hours late and the country districts are tied up.

**CUBA ACCEPTS CONDITIONS.**

Constitutional Convention Gives In to McKinley.

HAVANA, Feb. 20.—The Constitutional Convention in secret session, it is stated today, decided to accept the conditions of the United States.

# DEVERY IS READY, HIS RECORD CLEARED BY BOARD, FOR HIS PENSION.

## DEVERY PRACTICALLY OUT OF OFFICE NOW.

IT WAS THE GENERAL IMPRESSION AT POLICE HEADQUARTERS THIS EVENING THAT DEVERY IS PRACTICALLY OUT OF THE POLICE DEPARTMENT. IT WAS SAID THAT THE BOARD WOULD HASTEN TO RETIRE HIM BEFORE THE NEW POLICE BILL WAS SIGNED AT ALBANY, AS THAT MADE NO PROVISION FOR THE OLD CHIEF. ONE OFFICIAL SAID: "DEVERY IS OUT."

THE POLICE BOARD TOOK A SHORT RECESS AFTER 5 O'CLOCK. COMMISSIONER REES LEFT HEADQUARTERS, SAYING HE WOULD RETURN SOON. HE ADDED THAT IMPORTANT ACTION WOULD BE TAKEN AT THE MEETING TO BE HELD LATER.

**DIED AFTER FALL FROM LADDER.**

Thomas Garland, thirty-five years old, of 138 West Twenty-first street, while painting the roof of a pier at the foot of West Twenty-first street this afternoon, fell from a thirty-foot ladder and fractured his skull. He died later at the New York Hospital.

**FRAUD AT NEW ORLEANS RACE-TRACK.**

NEW ORLEANS, Feb. 20.—There was a sensation at the Crescent City track this afternoon. The stewards declared all bets off on the stephens-babe event, and decided it was no race. The Association will not pay the purse to the owners of Lizzie Kelly, who finished first. The officials had evidence of fraud, and have started an investigation. Most of the riders will be suspended and a new race will be run.

# LOADED FERRYBOAT ADRIPT IN BAY.

## Hundred Passengers on Southfield Taken off After Her Shaft Broke.

About one hundred men and women had an anxious hour on the Staten Island ferry-boat Southfield in the upper bay this afternoon.

The ferry-boat left Staten Island at 12:50 o'clock.

When nearly half way up to this city her propeller shaft broke and she began to drift down toward the Narrows, borne by the ebb tide.

**Tug to Rescue.**

A small tug, seeing the ferry-boat disabled, steamed alongside and threw a line on board. The tug then kept her from drifting.

In a few minutes later the Northfield, which left at 1:20 o'clock, came along and running bow to bow with the Southfield transferred the passengers from the disabled boat.

**Result of Ice Jam.**

The tug which had come to the aid of the Southfield then towed her to the company's repair shops at CHITON, S. I., while the Northfield brought her passengers up to this city.

The officers of the Staten Island Ferry Company attributed the accident to the Southfield's shaft to the strain upon it during the recent ice jam.

When the ferry-boat broke down the passengers were at first somewhat alarmed. They were assured by the deckhands that the boat was safe and remained quietly about the cabin and decks until taken off by the Northfield.

# OPENED BIDS FOR NEW ARMORY SHOT HIS MAN IN JAIL CELL.

The Army Board opened bids for the construction of the new armory for Camp Louis Wendell's First Battery today. There were six bidders for the work and four others for the plumbing.

Luke A. Burke's bid was the lowest for building the armory, and Michael J. O'Brien's for the plumbing.

The armory is to be in West Sixty-sixth street, near Broadway, on seven lots numbered 50 to 62, and the plans were for either Ashmun granite or red sandstone. Each bidder presented plans for both.

Luke A. Burke bid \$170,911 for granite and \$165,000 for sandstone.

For the plumbing, O'Brien's offer was \$12,751.

# BARKER'S BAIL PUT AT \$5,000 BY JUDGE.

## Assailant of Rev. Mr. Keller Expects to Be Freed To-Morrow.

Thomas G. Barker, who, on Feb. 17, shot the Rev. John Keller in Arlington, N. Y., will be released on bail to-morrow afternoon.

This is in accordance with an agreement reached at a conference between Prosecutor Erwin and lawyer Van Winkle this afternoon. Keller is now out of danger.

# GAMBLERS WIN IN FIGHT FOR PAPERS.

## Justice Jerome Allows Counsel to See Warrants After McAdam's Decision.

The pool-room men won their fight to see the warrants for mysterious "John Doe" this afternoon. They made application to Justice Jerome after McAdam's decision and he showed them the papers.

Justice Truax, in Supreme Court, granted an order to-day directing William M. Fuller, clerk of the Court of Special Sessions, to appear before Justice Jerome, and show cause why he should not permit counsel for Ridge Leven to see the warrant upon which Leven's pool-room was raided Monday afternoon.

The application was made by Joe Moss, of Howe & Hummel, who have been retained by Mr. Leven.

When the motion was argued before Justice McAdam at 2 P. M. Assistant District-Attorney Schurman opposed the issuance of the writ on the grounds that the District-Attorney had not been informed that Howe & Hummel were counsel for Ridge Leven and that in any event demand had not been made upon the officer having legal custody of the papers.

The Justice decided that the first objection was trivial, but gave Mr. Schurman until 4 P. M. to submit an affidavit that Clerk Fuller, of the Court of Special Sessions, was not the legal custodian of the papers which Howe & Hummel demanded to see them.

The District-Attorney's office seemed to be splitting for time, and the rumor spread in the Court-house that delay was sought to avoid giving out the information demanded until after another contemplated raid had been made.

Justice McAdam denied the application later.

Justice Jerome, of the Court of Special Sessions, submitted an affidavit to Justice McAdam when the case came up at 4 P. M., stating that Clerk William M. Fuller, upon whom the demand for the papers was made, was not his personal clerk and that the pool-room papers were in his own custody.

He said that no demand had been made upon him to see the papers, and that he was entirely willing to show them to anyone properly accredited to see them.

Justice McAdam decided in his opinion that the defendants had the right to see the papers, but must make the demand on the legal custodian of the documents.

The effect of the decision will be to delay the inspection of the papers until the hearing in Leven's case to-morrow morning at 10:30 o'clock before Justice Jerome.

After Judge McAdam dismissed the application, lawyers Leven and Schurman repaired to Justice Jerome's chambers in the Criminal Court Building, where Mr. Steinhardt made a formal demand for the papers in the case.

Justice Jerome asked Mr. Leven, who appeared on the papers as the attorney

of record, if Mr. Steinhardt was associated with him. Mr. Leven said he was.

Justice Jerome then gave the papers to Mr. Steinhardt, who inspected them and returned them to the Justice.

**HOLAHAN MUST APPEAR IN COURT.**

Subpoena Issued to Bring the Commissioner to Testify.

It was reported on good authority to-day that a subpoena had been served on Commissioner Maurice F. Holahan, summoning him to appear before Judge Jerome, in Chambers of Special Sessions, to-morrow, and tell what he may know regarding the mysterious "John Doe," the supposed head of the gambling and pool-room combine.

If the Commissioner does appear he will be questioned by Assistant District-Attorney Schurman. Neither Judge Jerome nor Mr. Philbin would say whether or not the Commissioner had been subpoenaed.

Detectives brought two more witnesses caught in the Day street raid to Judge Jerome's chambers at 11 o'clock, where they remained for an hour and were closely questioned. Their names were not divulged.

District-Attorney Philbin summoned to his office to-day the five policemen who were found in Leven's gambling-house when the raid was made. They were taken to Justice Jerome's chambers, where their testimony was taken in the case of the People vs. "John Doe."

They were not in uniform.

Paddy Dwyer called at the Criminal Court Building to-day. He held several earnest consultations with the various Assistant District-Attorneys. He denied that he was there consulting about Vice.

The arrest of one of the gambling commission which collects \$2,000,000 annually for police protection is expected to-day.

He is not only a powerful politician high in Tammany, but a prominent city official.

Chief of Police William S. Devery is also in the toils. By the raid at No. 20 Day street, District-Attorney Philbin secured evidence upon which Devery will be indicted. This was one of the objects of the raid. The other was to reach the big city official and politician, who has charge of all the gambling privileges in the district south of Canal street and west of Broadway. He collects the money for protection.

A warrant is out for his arrest. It was issued in the name of John Doe, District-Attorney Philbin expected to catch

(Continued on Second Page.)

## Last Obstacle in the Way of the Big Chief's Retirement on \$3,000 a Year Kindly Removed by the Police Board This Afternoon.

The action of the Police Board to-day in withdrawing Chief Devery and wiping out charges off the records is indicative of a desire on the part of the Chief to retire on a pension.

That could not be done so long as charges were hanging over his head, and this is the first step in the direction of clearing the way for speedy action.

The charges against Devery and from which he has been cleared were a failure to suppress disorderly houses and gambling dens in the Red Light district while he was in command there in 1897.

In addition to this he was specifically charged with accepting a \$100 bribe from Contractor P. W. Seagrist while he was in charge of the Old Slip station.

These troubles for the Chief were the result of the Lexow Investigating Committee's research. It was not until 1897, when Devery had been reinstated on the force after having been dismissed for another charge—will was get command of the West One Hundred and Twenty-fifth street station, that the charges which were dismissed to-day were made.

Frank Moss was President of the Police Board, and he prevailed upon Peter Conlin, then Chief of Police, to place Devery on trial. He was not tried, however, because his counsel was also an attorney for the Police Board, some members being Democrats, others gold Democrats, Republicans, silver Republicans, etc.

The determination of the Board to prepare for speedy changes in the head of the force was later made more apparent by the adoption of a resolution providing that Deputy Chief Charles Wright should be placed in charge of the Department in case of the disability or absence of the Chief of Police.

The resolution follows: "Resolved, That during the absence or disability of the Chief, or during the time of a vacancy, or for any reason that may exist in the office or establishment of said office, Deputy Chief, Charles Wright is authorized or empowered and directed to perform the duties which, by law, are enjoined upon the Chief of Police."

An Evening World reporter informed Deputy Chief Wright of the resolution. He had not heard of it and was greatly surprised. He was asked if he portended the retirement of Chief Devery. He would not admit it, though his actions indicated his belief that Devery was about to get out.

# WHITEWASH FOR HERLIHY

Announcement was made by the Police Board this afternoon that the charges against Capt. Herlihy had been dismissed.

The announcement created no surprise in police circles as it was expected by those who had watched the trial carefully and noted the attitude of the Commissioner.

Capt. Herlihy was charged with neglecting to eradicate vice from the "Red Light" district, of which he was commander.

The chief witness against him was the Rev. Dr. Padlock, an Episcopal clergyman, who is at the head of a mission in the district and threatened when he was indicted, but he found himself defeated by the jury of Messrs. Sexton, Abell and Hess.

Ex-Judge Olcott, who conducted the prosecution of Herlihy, is ill at his home. He expected a verdict of guilty, which would have meant that he would be again but he was voted down. He offered the resolution and backed it with his affirmative, but he found himself defeated by the jury of Messrs. Sexton, Abell and Hess.

REYNOLDS IS REINSTATED.

Police Capt. James G. Reynolds, formerly New York's friend, who was dropped from the Brooklyn Detective Bureau for

(Continued on Second Page.)

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